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C O N F I D E N T I A L SECTION 01 OF 02 THE HAGUE 001991

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DEPARTMENT FOR S/WCI - PROSPER, IO - WARLICK, L/AF - TAFT,  
INR/WCAD - SEIDENSTRICKER/MORIN

E.O. 12958: DECL: 1.6 FIVE YEARS AFTER CLOSURE OF ICTY

TAGS: [PREL PHUM NL ICTY ICTR](#)

SUBJECT: ICTR: SEEKING INFORMATION ON THE DEPUTY PROSECUTOR

REF: A. SECSTATE 224968

[1](#)B. PROSPER-KAYE E-MAIL 8/5/03

Classified By: Deputy Legal Counselor David Kaye, reasons 1.5(b) and (d).

[1](#)1. (C) Summary: Dutch MFA officials responsible for following the international criminal tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR) said that, given their lack of experience working with him, they were not in a position to provide an assessment of the current ICTR deputy prosecutor's ability to act as interim chief prosecutor. Two senior officials at the ICTY, however, offered in confidence their assessments of his abilities. End summary.

[1](#)2. (C) In a meeting with Embassy legal officer on August 6, MFA legal adviser Johan Lammers and senior officer in the UN and IFIs department Thijs Buchli said that the MFA did not have enough contact with ICTR deputy prosecutor Bongani Christopher Majola to provide a definitive assessment of his skills. Noting that some key officers who might have thoughts on Majola were on leave, Lammers and Buchli said they were nonetheless familiar with the UNSYG's proposal to appoint a separate chief prosecutor for the ICTR, on which they expressed no official position. They were concerned, however, that the position not remain empty for any significant period of time. In particular, they believed that leaving the position empty, or simply enabling Majola to act in an interim capacity for an extended period, could leave the wrong impression that the ICTY would be "taken care of" while the ICTR remained without leadership. Buchli in particular urged that, whatever the decision, it be made quickly so as to avoid such an impression.

[1](#)3. (C) Two slightly diverging views were expressed by two senior ICTY prosecutors on August 7. Drawing from ref B, emboff asked Chief of Prosecutions Michael Johnson and Deputy Prosecutor Graham Blewitt, as asides in separate private conversations, whether they had any reaction to the UNSYG's proposal that Majola act as chief prosecutor for some interim period. Johnson (strictly protect), who served as acting deputy prosecutor for the ICTR in the fall and led the effort to hire Majola, believes that Majola has extraordinary skills and is doing superb work at the ICTR. Still, he does not believe that Majola has the political or managerial skills to run the ICTR Office of the Prosecutor (OTP) as chief prosecutor. The lack of prosecutorial experience did not appear as a problem to Johnson, particularly as the position requires as much special political skills in dealing with the Rwandan government, victims and witnesses, and others. Johnson simply believes that Majola, perhaps as much out of inexperience as any other factor, lacks the political abilities to run a Tribunal that should play a stabilizing role in regional relations. (Note: Johnson -- a natural candidate for the job with deep experience with and commitment to the ICTR -- disclaimed any interest in the job himself, though we understand from a diplomatic colleague here that he has recently expressed openness to it. End note.)

[1](#)4. (C) Blewitt (strictly protect) said that he had not worked enough with Majola to provide extensive or definitive views. He echoed Johnson's views suggesting that Majola lacks the necessary political experience. That said, he suggested that if both Majola and senior ICTR/OTP official Melanie Werrett were promoted -- he to chief prosecutor and she to deputy -- they might make an effective team, particularly since Werrett, who has long experience as a prosecutor in the ICTR, the UK and Zimbabwe, could compensate for Majola's inexperience as a prosecutor. He noted as an example that he and Judge Richard Goldstone, the first chief prosecutor of the ICTY, enjoyed a very productive relationship in part because he, Blewitt, brought extensive prosecutorial experience while Goldstone, not a prosecutor, brought political and other skills to the job.

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